



**MINUTES OF THE JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 22, 1999, 8:00 p.m.

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Rodriquez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PUBLIC COMMENTS

Mayor Cooper and Council Member Henson presented a Certificate of Commendation to the family of Dr. Horace Alton Penso, for his outstanding dedication and service to the people of Hayward and the people of Jamaica, and in sympathy of his passing. Dr. Penso, a Hayward resident since 1973, was an obstetrician, who also served as the Jamaican Consul of Northern California. Commander Denise McCalla Creary, representing the Jamaican Association, Peter Penso and Anderia Penso, son and daughter of Mr. Penso, accepted the award.

Kenneth Harmeyer, 23845 Ida Lane, thanked the Council for attending a function of the Hayward Hurricanes.

John Neath, 681 Longwood Avenue, discussed the negative declaration on the Home Depot. Asked for further information and to have a meeting on this issue for the neighborhood. He asked that additional information be provided to the community regarding traffic condition impacts if this development is approved.

Jason Moreno, 25200 Carlos Bee Blvd., commented on the budget funding for police services.

Francisco Abrantes, 22815 Alice Street, spoke from a billing statement regarding finances.

CONSENT

Item 3 was removed for further discussion.

1. Approval of Minutes of the Joint Meeting of the City Council/Redevelopment Agency of June 8, 1999.

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the Minutes of the Joint Meeting of the City

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Council/Redevelopment Agency of June 8, 1999.

2. Final Tract Map 7031 - Sobrato Development Companies (Subdivider) - Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement for the Tract Improvements - Project Located on W. Winton Near Amador

Staff report submitted by Development Review Services Engineer Anastas, dated June 22, 1999, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-102, "Resolution Approving Final Map for Tract 7031, Authorizing the City Manager to Execute a Subdivision Agreement"

3. Hesperian Boulevard/Aldengate Way Traffic Signal: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated June 22, 1999, was filed.

Council Member Rodriguez expressed the concerns of both the neighborhood task force and the Southgate Homeowners Association who were in opposition to installing this traffic signal.

Council Member Dowling suggested that the project be reviewed in November 2000 after installation of the traffic signal. It was noted that this recommendation was part of the motion when this item was previously considered.

Council Member Hilson noted that at the public meeting, most of the people who attended were in favor of the installation to improve the traffic flow.

It was moved by Council Member Dowling, seconded by Council Member Hilson, and carried, with Council Member Rodriguez voting no, to adopt the following with the recommendation to review the project in November 2000:

Resolution 99-103, "Resolution Awarding Contract to Mike Brown Electric Company for Installation of Traffic Signals at Hesperian Boulevard and Aldengate Way Project No. 5740"

HEARINGS

4. Local Improvement District No. 17, and Consolidated Landscaping and Lighting District No. 96-1, Zone 7 - Conduct a Public Hearing, Adopt the Engineer's Report, and Order the Levy of Assessments (Twin Bridges Community Park)
 - A. Local Improvement District No. 17
 - B. Zone 7 of Landscape and Lighting District 96-1



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Staff report submitted by Development Review Services Engineer Anastas, for June 22, 1999, was filed.

Development Review Engineer Anastas reported on a public meeting held with residents to explain the process and the assessments. He explained that the total number of votes is equivalent to the total number of lots at the subdivision. The developer forwarded 65 ballots to prospective owners rather than voting these ballots themselves.

Council Member Ward asked questions regarding the voting and the estimated cost to the buyers of the district.

Council Member Hilson suggested there is a communication problem between buyers and sellers. He suggested that the costs be folded into the purchase price of the house so that it would be easier for people to understand.

City Manager Armas said there were a combination of factors involved.

Council Member Jimenez suggested that it might have been unclear to the potential owners that they would be paying for the cost of the park.

Mayor Cooper opened the public hearing at 8:38 p.m.

Jeff Anderson, 366 Bridgecreek Way, stated that he, along with other residents, was concerned that this election was not a "vote" with the developer having 80% of the total votes.

Council Member Dowling asked him whether the disclosure was apparent.

Mr. Anderson stated that he read the CC&Rs and could understand the lighting district formation, but at the meeting that he attended he understood that his "vote" would not be an impact. This assessment was not clearly explained to him, nor did he find it in his documents.

Council Member Henson inquired on the disclosure by Standard Pacific at the time of sale.

Vashi Kasar, no address provided, asked if there was a possibility of having the builder pay full cost or the majority of the cost. City Attorney O'Toole responded that the development agreement was previously approved by the City.

William Braile, 369 Bridgecreek Way, stated that at the closing of the sale of his home, he was told about the landscaping assessment. However, he was not told about, nor could he find it in his CC&Rs that the property owners would be paying for the park.

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Mayor Cooper reiterated the staff report regarding the public meeting and the information provided, stating that there would be an assessment of \$100 annually for maintenance.

Mayor Cooper closed the public hearing at 8:58 p.m.

Council Member Hilson suggested the developer distinguish the various charges to the buyer. It was noted that the developer was present. It was suggested that the developer use a different color paper to distinguish it from other documents at closing.

Development Review Engineer Anastas reported that once this assessment is approved, it will be placed on the tax rolls and would be listed on the documents during a title search.

At the request of Council Member Dowling, City Manager Armas reported that the Council approved the spending of \$5.1 million to allow for a larger golf course. The proposed park was originally two acres, but the City and HARD purchased additional acreage to increase the size of the park and improve the amenities. The City also purchased 85 lots to add to the acreage. It was noted that the property owners are not being assessed for the expanded area.

Council Member Rodriquez expressed her concerns regarding these assessments and hoped that staff could work with Standard Pacific so that buyers are made aware.

Council Member Henson agreed with her and suggested the developer conduct a forum to articulate to the present owners the entire process. He urged Standard Pacific to heed Council Member Hilson's suggestion. He would support the motion although he was not convinced that this is the best method.

Council Member Jimenez indicated that he did not vote for the purchase of the 85 parcels to enlarge the golf course and add acreage to the parks and would not be supporting this motion.

City Clerk Reyes reported the results for Landscaping and Lighting District No. 96-1 Zone 7. The total assessment ballots cast for Landscaping and Lighting District No. 96-1 Zone 7, was 267, with four disqualified due to unsigned ballots received. The total number of "yes" votes was 225, and the total number of "no" votes cast was 42, resulting in no majority protest on this assessment. The total assessment ballots cast for Local Improvement District No. 17 was 271, with four disqualified due to unsigned ballots received. The total number of "yes" votes was 221, and the total number of "no" votes cast was 50, resulting in no majority protest on this assessment.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried by the following roll call vote to adopt the following resolutions:

AYES:	Council Members Hilson, Rodriquez, Dowling, Henson
	MAYOR Cooper
NOES:	Council Members Jimenez and Ward



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ABSENT: None

ABSTAINED: None

Resolution 99-104, "Resolution Adopting Engineer's Report for Local Improvement District No. 17, Confirming the Assessment, Ordering the Work and Acquisitions and Directing Actions with Respect Thereto"

Resolution 99-105, "Resolution Authorizing Issuance of Limited Obligation Improvement Bonds for Local Improvement District No. 17"

Resolution 99-106, "Resolution Authorizing the Sale of Bonds, Approving and Directing the Execution of a Bond Purchase Contract and an Official Statement, and Approving Other Related Documents and Actions with Respect to Local Improvement District No. 17"

It was moved by Council Member Hilson, seconded by Council Members Dowling and Rodriquez, and carried by the following roll call vote to adopt the following resolution:

AYES: Council Members Hilson, Rodriquez, Dowling,
Henson

MAYOR Cooper

NOES: Council Members Jimenez and Ward

ABSENT: None

ABSTAINED: None

Resolution 99-107, "Resolution Approving Engineer's Report for Zone 7 of the Consolidated Landscaping and Lighting Assessment District No. 96-1, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 1999-2000"

LEGISLATIVE BUSINESS

5. Approval and Appropriation of the Operating Budget for the City of Hayward and the Redevelopment Agency Budget for Fiscal Years 1999-00 and 2000-01, the 1999-00 Master Fee Schedule, and the 1999-00 Gann Appropriation Limit and the Five Year Capital Improvement Program 1999-00 through 2003/04

Staff report submitted by City Manager Armas, dated

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June 22, 1999, was filed.

City Manager Armas made a brief report summarizing the information that was presented two weeks ago and responded to questions.

Council Member Ward asked for a slight modification on the fund for travel by Council. He asked the funding be used for any other Council activities other than attending conferences as long as it could be shown that there is some tangible benefit to the City. This would allow any or all members of Council to take advantage of activities that benefit the entire City.

City Manager Armas indicated that at the appropriate time there will need to be an amendment because the prevailing condition is already defined for eligible expenses.

Mayor Cooper opened the public hearing at 9:18 p.m.

Ron Barklow, 1210 Teigen Drive, read a statement indicating that the Neighborhood Alliance was against the \$1.7 million project to box-culvert Sulphur Creek near the Hayward Executive Airport and urged Council not to approve this funding but to find ways to preserve this creek.

Jon McCarthy, 732 B Street, expressed concern that staff may not be experienced in dealing with sensitive industrial areas.

John Neath, 681 Longwood, expressed opposition in the Sulphur Creek expenditure, and the moving of the pump station. He asked if airport money would fund these projects and was informed that airport monies would fund them. He emphasized his opposition to funding improvements that are not connected with aviation.

City Manager Armas indicated that improvements need to be made to assure that the airport remains a viable airport. The projects will increase the earning potential to further the mission of the airport. Sufficient proceeds to meet the obligations and make monies available to enable aviation projects to be funded.

Jason Moreno, 25200 Carlos Bee Boulevard, also expressed concerns with the \$1.7 million that will fund a capital project at the airport.

Frank Goulart, 22248 Main Street, commented on the need to get the monies from the developers up front. He suggested developer contributions be higher and that new development should pay its fair share.

City Manager Armas explained that there are statutes that require the City to justify a relationship between the fees charged and the conditions that are being created by the development that justifies those fees. He noted that the prorated share for the Blue Rock Country Club for utilities was the result of an extensive analytical study.

Council Member Hilson agreed that the developer should contribute its fair share for projects. He



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felt that staff was working towards appropriately charging developers even in rather complex projects.

Mayor Cooper closed the public hearing at 9:41 p.m.

Council Member Ward made the motion to adopt the budget with an amendment to modify the use of travel funds for Council to be used for activities other than travel for City benefit. He commended staff for this two-year budget process. The economy is favorable for this budget. This budget responds to community needs; its desire to increase police services, fund neighborhood improvements, infrastructure improvements as well as no reduction in staff.

Council Member Dowling asked and was informed that in regards to all issues that were highlighted by the public, there would be opportunity for Council consideration. He asked that staff keep Council updated on the State budget and economical impacts on cities. He indicated that this was a very good budget process; it was an open process; staff listened to Council. He hoped that more citizens would become involved. He thanked Council for funding the neighborhood initiative program and the youth in government program.

Council Member Henson stated that this is a functional budget. It responds to priorities set by Council, and addresses many of the issues considered in the resident survey. He was concerned with public safety training and encouraged staff to pursue federal funding grants.

Council Member Jimenez complimented the staff, noting its expertise and competence. He also noted the importance of an adequate water system provided by the City.

It was moved by Council/RA Member Ward, seconded by Council/RA Members Jimenez and Hilson, and unanimously carried by all present, to approve the following with the modification to the travel fund for the Council to be used for activities other than travel:

Resolution 99-108, "Approving the Budget of the City of Hayward for Fiscal Year 1999-2000; Adopting Appropriations for Fiscal Year 1999-2000; and Making Certain Policy Decisions Regarding the Budgets for Upcoming Fiscal Years"

RA Resolution 99-03, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 1999-2000"

Resolution 99-109, "Resolution Adopting a Revised Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 98-111 and All Amendments Thereto"

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Resolution 99-110, "Resolution Approving a Spending Plan for Capitol Projects for Fiscal Years 1999-2000 Through 2003-04"

Resolution 99-111, "Resolution Establishing the Appropriation Limit for Fiscal Year 1999-2000"

6. Election of Mayor Pro Tempore

Staff report submitted by City Clerk Reyes, dated June 22, 1999, was filed.

Mayor Cooper presented Mayor Pro Tempore Jimenez with an appreciation plaque and thanked him for his service. She also thanked Council Members Henson, Hilson and Rodriquez for serving in this capacity in the past. She noted that this process is workable, fair and equitable. She then moved to elect Council Member Ward as the next Mayor Pro Tempore.

As there were no requests to speak, Mayor Cooper and closed the public hearing at 9: 55 p.m.

It was moved by Mayor Cooper, seconded by Council Member Dowling, and unanimously carried by all present, to elect Council Member Ward as Mayor Pro Tempore and approve the following:

Resolution 99-112, "Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 1999-2000"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:57 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary Redevelopment Agency

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